

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WILLIAM F. CROWELL)	WT Docket No. 08-20
)	
Application to Renew License for Amateur)	FCC File No. 0002928684
Radio Service Station W6WBJ)	
)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU’S RESPONSE TO CROWELL MOTION TO STAY

1. On March 30, 2017, applicant William F. Crowell (Crowell) filed a Motion to Stay the above-captioned matter.¹ For the reasons discussed below, the Acting Chief, Enforcement Bureau (Bureau), through his attorneys, does not oppose the Motion to Stay.²

2. The Hearing Designation Order in this case commenced a hearing to determine whether Crowell “*continues to engage in* unlawful Commission-related activities” including, but not limited to, intentionally causing interference and/or interruption to other amateur radio operators, and transmitting music.³ On August 2, 2016, the Bureau issued a forfeiture order imposing a penalty of \$25,000 on Crowell for intentionally causing interference in 2015 to other

¹ See Licensee’s Motion to Stay Proceedings Pending Determination of NAL/FO Case [47 CFR, Chapter I, Subchapter A, Part 1, Subpart B, Sec. 1.205] (filed Mar. 30, 2017) (“Motion to Stay”).

² On April 7, 2017, the Presiding Judge suspended all motions and pleadings “except for oppositions to motions that were filed prior to issuance of [his] Order.” *Order*, FCC 17M-18 (ALJ, rel. Apr. 7, 2017). Crowell filed the Motion to Stay on March 30, 2017.

³ See *In re William F. Crowell*, Hearing Designation Order, WT Docket No. 08-20, DA 08-361, paras. 1, 10 (rel. Feb. 12, 2008) (emphasis added) (“HDO”).

amateur radio operators and transmitting prohibited communications, including music.⁴ It appears that Crowell did not file an application for review or otherwise appeal the Forfeiture Order to the Commission. The record also reflects that Crowell has not paid the \$25,000 forfeiture. As a result, the matter has been referred by the Commission to the Department of Justice for collection of the \$25,000 penalty.

3. In his Motion to Stay, Crowell states his intention “to demand a trial in the U.S. District Court...over the propriety and Constitutionality of the Forfeiture Order” and the underlying Notice of Apparent Liability pursuant to which the Forfeiture Order was issued.⁵ Because the Bureau intends, in the above-captioned matter, to introduce into evidence many, if not all, of the factual findings from the Forfeiture Order, in the interest of efficiency, the Bureau does not oppose the Motion to Stay.⁶ Indeed, adjudication by a U.S. District Court of the factual findings in the Forfeiture Order may offer a basis upon which the Presiding Judge could rule upon a motion for summary decision.

4. The Bureau notes, however, that in light of ongoing conduct by Crowell towards Commission staff and potential witnesses in this case, and based on factual issues unrelated to those at issue in the Forfeiture Order, it intends to move to add an issue to this case regarding the character of the applicant. Recognizing that the hearing proceeding has now been suspended, the Bureau will file its motion to add issues when the proceeding resumes.⁷

⁴ See *In the Matter of William F. Crowell, Licensee of Amateur Radio Station W6WBJ, Diamond Springs, California*, Forfeiture Order, File No. EB-FIELDWR-15-00019827 (rel. Aug. 2, 2016) (“Forfeiture Order”).

⁵ See Motion to Stay at 3.

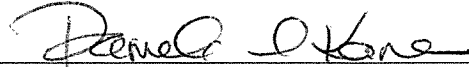
⁶ The Motion to Stay also references the Commission’s “Red Light Rule,” 47 C.F.R. § 1.1910, which if triggered by non-payment of a debt, would result in the dismissal of the applicant’s pending application. See Motion at 2. Because the U.S. District Court collection action has not been litigated, however, it is premature for the Bureau to comment on the Red Light Rule’s application to this matter.

⁷ On August 10, 2010, applicant William F. Crowell (Crowell) filed a petition to disqualify the Presiding Judge in the above-captioned matter. See Applicant’s Reply to Order to Show Cause and Petition to Disqualify ALJ, filed

5. For the above reasons, the Bureau does not oppose the Motion to Stay.

Respectfully submitted,

Michael Carowitz
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Aug. 10, 2010. On March 28, 2017, the Presiding Judge denied Crowell's Petition, finding it baseless in both fact and law. *See Memorandum Opinion and Order*, FCC 17M-13 (ALJ, rel. Mar. 28, 2017). On April 3, 2017, Crowell filed with the Commission an interlocutory appeal of this *Order* as a matter of right pursuant to Section 1.301(a)(3) of the Commission's rules (Rules). Licensee's Appeal to the Commission from ALJ's Denial of Motion to Disqualify Him Pursuant to 47 C.F.R., Chapter I, Subchapter A, Part 1, Subpart B, § 1.245 [47 C.F.R., Chapter I, Subchapter A, Part 1, Subpart B, § 1.301], filed Apr. 3, 2017. Crowell's appeal triggers a suspension of the hearing pending resolution on the question by the Commission. *See* 47 C.F.R. § 1.245(4); *see also Order*, FCC17M-18 (ALJ, rel. Apr. 7, 2017).


CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 10th day of April, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S RESPONSE TO CROWELL MOTION TO STAY" via email to:

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